

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

JAMES BEAM, et al.,)	
)	
Plaintiff,)	
)	CASE NO.:
v.)	
)	CV-05-RRA-1133
CAGLE'S INC.,)	
)	
Defendant.)	

Memorandum of Opinion

The case comes before the Court on the Defendant's Motion to Dismiss. (Doc. 7). The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and Amended Report and Recommendation (docs. 11 and 15) and has reached an independent conclusion that these documents are due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the Motion to Dismiss (doc. 7) is due to be **DENIED**. An appropriate order will be entered.

DONE this 1st day of December, 2005.



U.W. Clemon
Chief United States District Judge